

REMARKS

Claims 1-9 are pending in this application. In the Office Action, the Examiner rejected the pending Claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,877,746 (Parks) in view of U.S. Patent No. 5,479,476 (Finke-Anlauff).

Claims 1, 5 and 8 have been amended.

Regarding the Examiner's rejection of independent Claims 1, 5 and 8 under 35 U.S.C. §103(a), the Examiner states that "Parks teaches a method for creating a user-customized menu in a telephone (customize the phone feature) (Column 17, Lines 43-46)," (Office Action Page 2). It is respectfully submitted that the Examiner is incorrect. Parks merely discloses a user selecting one of the options displayed, and displaying the corresponding suboption that enables the user to set features of the telephone as the user desires. (Column 3, Lines 22-45; Column 9, Lines 30-39; etc.). In other words, Parks discloses selecting a desired option among suboptions to initialize a telephone with an optimal environment, but fails to disclose selecting a desired menu among menus and separately editing the menu as a user's desired menu.

Regarding the Examiner's assertion that a "suboption" as recited in Parks is the same as the "index" as recited in Claims 1, 5 and 8 of the present invention, in contrast to that which is taught by Parks, the "index" is input by a user in a user-customized menu creating mode and is an input for separately creating a user's desired menu. Accordingly, the index as recited in Claims 1, 5 and 9 is neither taught nor suggested by Parks or Finke-Anlauff or the combination thereof.

Moreover, the present invention as defined in Claim 1, includes the recitation

“storing the main menu index or the submenu index in association with the user-customized menu index.” In other words, storing indexes selected by a user among indexes assigned to an existing main menu and a sub menu, respectively, as user menu indexes corresponding to one user menu, is neither taught nor suggested by Parks or Finke-Anlauff or the combination thereof. Moreover, Claims 5 and 8 include similar recitations, i.e., “storing the received menu index in association with the user-customized menu index,” as recited in Claim 5 and “storing the mapped service menu in the menu table in association with the index received for the user-customized menu,” as recited in Claim 8.

Accordingly, it is respectfully submitted that the Examiner’s rejection under §103(a) is improper and should be withdrawn.

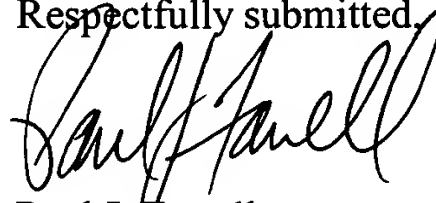
Furthermore, in the Advisory Action dated September 30, 2004, the Examiner stated that Claims 1, 5 and 8 contain a new limitation: “a main menu index or a submenu index.” (Advisory Action Page 2) However, “a main-menu index or a sub-menu index,” a distinguishing element of the present invention, other than to state that the “Examiner did not request the inclusion of this language in the claim” (Office Action Dated January 13, 2005, Page 5), *was not addressed* in the Office Action. Since the concept of “a main-menu index or a sub-menu index” is neither taught nor suggested by Parks or Finke-Anlauff or the combination thereof, accordingly, the Applicant respectfully believes that the Examiner’s rejections are incorrect and should be withdrawn.

In light of the discussion above, it is respectfully submitted that independent Claims 1, 5 and 8 overcome the stated rejections. Without conceding the patentability per

se of dependent Claims 2-4, 6-7 and 9, it is respectfully submitted that these claims also overcome the rejections by virtue of their dependence upon independent Claims 1, 5 and 8, respectively. Accordingly, Claims 1-9 are believed to be in condition for allowance.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516

PJF/VAG/ml